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University of the State of
New York

Abram J. Elkus, regent of
the University...

[Albany, N. Y.]

[1919]

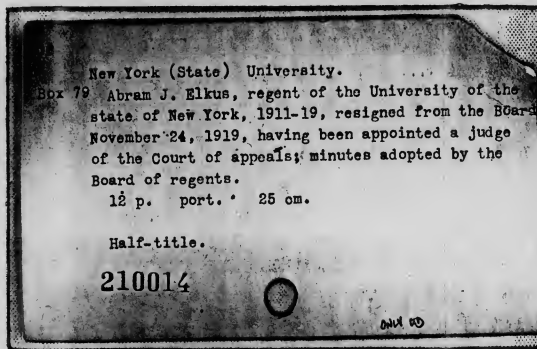
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Box 79

Abram J. Elkus

Regent of the University of the State of New York
1911-19

Resigned from the Board November 24, 1919, having been appointed a Judge of the
Court of Appeals

Minutes adopted by the
Board of Regents

21 April 1992 5:00



ABRAM I. ELKUS

The Board of Regents of The University of the State of New York met in the Regents Room of the State Education Building, Albany, at 9 a. m., November 24, 1919, pursuant to a call duly sent to each Regent as provided by law.

The meeting was called to order by Vice Chancellor Vander Veer.

The following Regents were present: Vice Chancellor Albert Vander Veer, Regents Chester S. Lord, William Nottingham, Abram I. Elkus, Adelbert Moot, Charles B. Alexander, Walter Guest Kellogg, James Byrne and Herbert L. Bridgman. The President of the University and Commissioner of Education was also present.

The Vice Chancellor reported excuses for absence from Chancellor Pliny T. Sexton and Regent Thomas J. Mangan, which were voted satisfactory.

RESIGNATION OF REGENT ELKUS

Regent Elkus, having been appointed by the Governor as a Judge of the Court of Appeals, presented his resignation in the following words:

Mr Chancellor and Members of the Board of Regents:

I desire to present my formal resignation as a member of the Board of Regents. This I do, not because I wish to, but because my appointment to the Court of Appeals, in the opinion of my friends and those of whom I have asked advice, makes me believe that if not necessary it is advisable. I resign from this Board with very deep and sincere regret. No words of mine are necessary to make that clear. All that I can say is that while I resign my formal connection with this Board of Regents, I hope that you will always and all of you still find a place for me in your hearts.

Remarks by Regent Alexander

It is with great regret that we learn of the retirement from this Board of Abram I. Elkus. It is a consolation to know that the cause of his retirement is his appointment to that august tribunal, the Court of Appeals of the State of New York.

It is a matter of satisfaction that when the Nation or State seeks a highly equipped man for important duty in troublous times, he is found among the ranks of this body. We can recall the names of Whitelaw Reid and Eugene A. Philbin, and others, and now Regent Elkus, in proof of this statement.

We shall miss him from the official social activities of our body, where his genial adaptability was always felt; from our committee work, where his splendid legal and business knowledge was of the greatest use in the work, and from the meetings of our Board, to which he has been a distinguished addition.



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On behalf of the Board of Regents, at the suggestion especially of President Finley, who is constantly thinking of graceful methods of expressing the thought of the Board, I present to you, Regent Elkus, this copy of the latest translation of the Hebrew Bible made under the auspices of the Jewish Publication Society, and duly inscribed as presented to you by your colleagues. The Regents hope that in taking your oath of office you will use this book.

It seems appropriate that, going upon the bench of one of the greatest courts in the world, this book should be handed to you, for when the Teutons overthrew the Roman Empire it was the Old Testament which became the cornerstone of our laws. Its spirit was well expressed by Micah: "Thou hast been told, O Man, what is good, . . . to do justly, to love mercy." Matthew Arnold wrote: "The true Israel was Israel the lifter-up to the nations of the banner of righteousness." Our courts proceed on the Mosaic injunction: "Ye shall not respect persons in judgment; ye shall hear the small and the great alike; ye shall not be afraid of the face of man, for the judgment is God's."

The Ten Commandments underlie our jurisprudence. Charlemagne enacted whole chapters from the Bible as did Alfred the Great; and the Puritans of New England enacted the Old Testament as civil law. The words of Moses are ringing down through the centuries: "What great nation is there that hath statutes and judgments so righteous as all this Torah which I set before you this day?"

It is a book devoutly trusted and of spiritual consolation to your associates as to yourself, and sanctioned by a Hebrew whose teachings have so deeply influenced the understanding of the ancient law and whom some of us revere as the Lord of Glory.

Response of Regent Elkus

I am deeply grateful to you for your very kindly gift of this translation of the Holy Scriptures. I shall preserve it and shall use it as you have asked me to do when I take my oath of office. I know that it will always be before me as a guiding star in the performance of my duty. I always shall treasure it as a memento of many years of happy association and many true friendships which I hope always to retain.

Chancellor Sexton

The sundering of relations between those long associated in a common work, or uniting experience, is always disturbing and painful, and that has seemed especially so when changes have occurred in the membership of the Board of Regents, and it is easy to understand that our departing brother, Hon. Abram I. Elkus, is sharing in the regretful feelings which are oppressing us because of his retirement from our Board to take up another high public service, as a judge of the Court of Appeals of this State.

Our organization appears to have become, and to be recognized as, an inviting recruiting ground, when men of mark and merit are needed for other exacting usefulness. Perhaps such fact should be consoling to us now, and it may possibly aid in reconciling Judge Elkus to his new station, to the acceptance of which he must have been moved by a sense of duty, rather than by any thought of the transfer thereto being a promotion for him.

That further well-earned distinction will be consequent upon his new public service, is fully assured by his previous career, and we will be claiming a next-of-kinship right to share therein.

He will take with him not only our very deep regretting at the enforced parting, but all good wishes for him, which we shall all be wishing.

Vice Chancellor Vander Veer

Since you have been a member of this Board many honors have come to you and you have proved yourself worthy of each and every one. When entering upon your new position we feel you will reflect credit upon the Board of Regents and the profession you represent. Your record as a member of the most important committees has been so clear, so inspiring, so full of good advice and courage we feel to render you our deepest sense of gratitude, and also to say that in parting with your associates here our relations have been so pleasant, that when in a reminiscent mood I trust you will gather much comfort and joy.

We shall think of you often, and especially when serious problems are presented, we shall long for your judicial arguments and guidance.

Speaking as one who for more than fifty years has known the members of the court to which you are promoted, I am emphatic in saying that few of the number have measured up to that legal talent you carry with you to aid in their deliberations and decisions.

We are comforted in knowing we are not to part with you entirely, for we shall have the pleasure of meeting you in various walks in life, and to converse on subjects that are of mutual interest to us all.

Our heartiest congratulations go with you.

Regent Lord

This seems to be an occasion for congratulation and felicitation and for sorrow as well. We should congratulate the Governor on his rare sagacity in making so felicitous an appointment. The gentleman who has received the honor is to be congratulated on reaching another milestone in that triumphant journey whose way, it has been so plainly disclosed to us for years, is to lead to the heights of supreme success.

Nevertheless it is an occasion for thoughtfulness, for sorrow, and for regret, inasmuch as we lose the companionship and the business energy and assistance of our friend. These have been valuable assets to each one of us. Regent Elkus has been one of the most important members

of this Board. He has done quite as much of its work as has any other member and he has done it with exceeding ability and fidelity and cheerfulness. He has endeared himself to us as a companion and a friend.

He is a man of pronounced opinions, but he is quite capable of expressing those opinions without giving offense. He is a man of plans and projects and innovation, but he does not fly into a rage if they are not carried out. These are the qualities of a diplomat, and diplomatic he is always.

And we all rejoice as he pushes along to higher success and higher honor. He is not accomplishing this by any secret processes. He is just vitalizing those old principles of honesty, integrity, industry and being fair and square with all men. A public man can have no more valuable asset than reputation for these things. Alas! that they are so little regarded now-a-days!

He always has done his work well. He has been a good lawyer, a good Regent, a good ambassador, a good chairman of the Governor's reconstruction commission — and he is going to be a most excellent judge.

God bless him! and God speed him on his way toward that goal of all lawyers' ambitions, the Supreme Court of the United States of America!

Regent Nottingham

The signal honor conferred upon Regent Elkus by his elevation to a place in the highest court in the State, calls for our hearty congratulations, and at the same time it is a matter of deep regret for the loss of his ability and faithful service as a member of this Board. Regent Elkus has well earned the distinction which he has attained in the practice of his profession and in his public career; he has achieved that marked success which his talents, integrity and industry deserve. With his keen intellect, sound judgment and capacity for work, he will be a very useful and highly valued and esteemed member of the Court of Appeals.

Regent Moot

Regent Alexander has well said what we would all like to have said, had we only thought to say it.

Regent Elkus, Judge Elkus, is a power, a growing power, and, with all his great ability as a lawyer, a diplomat, and a statesman, he is keen to discern where we should depart from ancient ways, that we may better our government today.

Nor is he unmindful of human beings in trouble, as is abundantly shown by his work as counsel for the Factory Commission, in cutting out abuses and providing statutes to remedy them.

As a diplomat, caring for the unfortunate citizens of many nations, in a very difficult country, he again showed the same kind heart, the same merciful spirit, the same resources and ability in action.

And right in this Board, who that was there at the time has forgotten how he successfully labored to restore to his profession the poor old doctor, just out of prison, who had been, at one time, a leader in his

profession, but who, discredited and impoverished, was pleading with us for one more chance to use his great professional experience and learning to help mankind professionally. He succeeded in that effort for the doctor, despite the fact that some of us thought he was letting his human sympathies go too far, but we never laid it up against him that he succeeded in over-ruling us by the vote of a majority of our associates.

None of us who knows him has any doubt about Judge Elkus being equal to any new task that shall be imposed upon his broad, strong shoulders. I am sure he will carry with him the friendship and best wishes of every member of this Board for his continued success in any walk in life, and none of us will wish him to forget that every one of us is his friend.

Regent Kellogg

No task was too big for Regent Elkus, and to every task he brought an unusually fine intelligence, a sound judgment and a spirit of great fairness. We who knew the charm of his friendship shall miss him greatly. The qualities which made him one of the best Regents the State of New York ever had will render him conspicuous also among its jurists.

"A Just Judge"

[From the Brooklyn Standard Union, November 13, 1919]

Governor Smith's appointment of Abram I. Elkus to the highest court of the State commends itself as one of those eminently fit to be made, in which the office seeks the man rather than the man the office. Lawyer, diplomat and educator, Judge Elkus brings to his new position a rare combination of attainment and achievement which will be of special public service in the settlement of the new and complex problems, social, economic and industrial, which in steadily increasing number and importance, are constantly claiming determination by the courts of last resort. Forward looking, sympathetic with humanity's aspiration and endeavor to better its condition and secure a life better worth living, as demonstrated by charitable and beneficent activities of wide range, Judge Elkus stands immovably upon principles of established law and order, and on the Court of Appeals will be a positive force both for progress and stability, on the lines and in the places where they are needed. It is worth while to observe that, while the new appointment terminates the Court of Appeals at Syracuse, it no more than restores to this city the representation to which by population, valuation and the importance of its issues in litigation it is justly entitled.

Regent Bridgman

If I may add a more intimate, reminiscent word to the published prophecy, in which I have unflinching faith, my service with this honorable body began with a seat vacant, because of diplomatic service overseas of its former occupant. No sooner, however, was the interregnum ended, and the succession resumed, than a marked accession of vitality and emphasis of thought and action were clearly impressed on my consciousness

and retained in my memory. I need not recount to those already familiar, qualities and their functioning which, combined with keen perception, sound judgment, courage of convictions, compelling sense of efficiency in the Department and of frankness and fair play toward all dealing with it, were at once sharply defined and constantly in action. Nor may a mere layman remark upon a grasp and mastery of educational and all other departments of law, other than to "point with pride" to executive recognition, which transfers and transforms our former associate from a Regent of this Department, to a judge of the highest court of the State, as confirmation of personal estimate and appreciation. But we may spare the recital to ourselves of his official and professional characteristics. We of the Board knew him as the genial companion, the staunch friend, the competent and sympathetic counselor, and to those privileged to throw on this background more intimate memories of home and family, we have a possession forever, and firm anticipation of long and high service to state and humanity.

Regent Byrne

Like all others who are associated with Regent Elkus in any of the many activities in which his vigor of mind and body gives him a leading part, I forget my loss in the pleasure and pride I feel as a fellow-lawyer in seeing him ascend to the high office of Judge of the Court of Appeals. A leading member, as he is, of the Bar of the City of New York; an adviser of the highest official of the State; an authority on questions of the Near East, with all the weight which comes from knowledge and experience gained by him as Ambassador to Constantinople; a Regent of The University of the State of New York; I know that he prefers to all the honors he has, the attainment of what always has been and I trust always will be the ambition of every common law lawyer — high judicial position. I congratulate him upon the honor — the deserved honor — that has come to him. And I congratulate the people of the State, who have been served so well by him in so many ways, that he is to serve them henceforth in a position where good service is vital to their welfare and where he is so admirably fitted to render it.

The career of Regent Elkus is a cheering thing to every young man who brings to his work good will, good nature, good manners, a good mind and a good heart, with a determination to do well what lies immediately before him without thinking too much of what rewards the future has in store; and to all citizens who are fearful about the lack of fit material in the country for leadership. He spent his time as a young man doing to the best of his ability the work it was his business to do, the work of a lawyer in the not brilliant light in which that work is done by young lawyers who do not seek the honors or excitement of publicity, a light which grew clearer from year to year, until he became plainly visible to more and more of his fellow citizens as one fitted by his training, his learning, his love of work, his trustworthiness to be helpful to the

State; and then from early middle life on, first in one way and then in another, he was given his chance to prove his helpfulness to the State and he did prove it. The honors that many seek in vain have come seeking after him. To the young men his career shows that faithful work in their profession, their business, their trade is not necessarily the road to obscurity; that the people are eager to take into their service in positions of responsibility and honor men of demonstrated competence and fidelity. To the people it is an instance — and there were countless such instances during the war — to show that we have a large body of men trained in the work of private life, whose tastes do not lead them to struggle for positions of honor, who are as capable of winning in public office the confidence of the people as they were of gaining the respect and esteem of those who knew them in their professional and business life and who, if their country calls upon them for service in peace or war, will gladly give it.

Regent Mangan

The resignation of Regent Elkus is a direct loss to the Education Department of this State. He was a man who brought to the meetings of the Board legal acumen and a judicial temperament, coupled with a sense of fairness and a pleasing personality, which made his services invaluable in all matters demanding his attention. He possessed in an unusual degree the faculty of absorbing a problem, enabling him to view it from all sides and with judicial mind, determine it fairly and justly, while his personal courage in all matters claiming his attention raised him above all cant and hypocrisy, and made him a dynamo of force.

The Court of Appeals is to be congratulated upon the advent of this new member, and our sole comfort should be the fact that the State in a larger sense and possibly in a more important sense, as the judicial interpretation of the law in its highest court is paramount, shall reap the advantages of his fertile mind and unusual personality.

President Finley

Regent Elkus has sat nearest me, on one side, at the council table of the Board of Regents, through all the years of my connection with the University, and I shall be missing him more than any of his fellow members can miss him. Always cheerful and kindly of spirit, never holding a grudging or vengeful thought, never depressed by untoward circumstances, never exultant over successes which have meant disappointment to others, alert, indefatigable, persistent, he was a most helpful, inspiring force at one's elbow. Though identified prominently with one of the great political parties, he never showed a sign of that partisanship in his service in this Board, a characteristic of its entire membership.

My first acquaintance with Regent Elkus came through his persistent

and aggressive interest in the work and opportunities of this Department of the State, but I have a special satisfaction in the fact that his public school training had its culmination in the College of the City of New York, and a peculiar gratification, as its former president, in seeing him go to the highest position in the State in his own profession.

His name may be interpreted to be but a euphonious shortening of the Arabian words meaning "sanctuary." And he is as one who goes to minister in the State's "sanctuary"—its highest court of justice, for which the years of devoted and high service here have helped to prepare him.

ABRAM I. ELKUS

In the appointment of Abram I. Elkus as associate judge of the Court of Appeals, Governor Alfred E. Smith has elevated to the bench of that tribunal a man who for years has occupied a preeminent position at the bar, who has rendered splendid public service discharging the duties of many offices with great distinction and honor and who, in accepting the robe of ermine, assumes responsibilities for which he is especially qualified by training, experience and temperament and who will become a leading light of that high court.

The Court of Appeals of New York State is one of the foremost tribunals of the Nation. On its bench have served the greatest of American jurists. To it the legal profession has given its most learned and capable members. Many of its judges have been called upon to serve the United States Supreme Court. The decisions of the Court of Appeals are standards of judicial interpretation and are everywhere accepted as among the best. Appointment to its bench is one of the highest honors that can come to any man.

Mr Elkus was born in New York City on August 6, 1867. His education was received in the public schools and at the College of the City of New York and Columbia University. After completing his studies he was admitted to practice in 1888 and after a few years became a member of the firm of James, Schell & Elkus, organized in 1896. The partnership soon came to be one of the foremost in the practice of the law. On the death of Colonel James and Mr Schell, Mr Elkus became the senior member of the firm, continuing it under the name of Elkus, Gleason & Proskauer and later under the name of Elkus, Vogel, Gleason & Proskauer. His firms have always held a well-defined position in legal circles for many years.

His practice at the bar covers a period of thirty-one years in which he has had a most extensive experience in handling important litigation in almost all departments of the law, conducting with great measure of success matters of prime magnitude. Large commercial and civic organizations have been among his clients and he has taken an active part in the formulation of an institution of legislation for the promotion of commercial welfare and for the betterment of civic conditions.

In 1911 he was named counsel to the New York State Factory Investigating Commission to which he devoted four years in the public service

without compensation. The commission conducted an exhaustive investigation into the condition of factory workers, their hours of labor, pay and other vital matters. Mr Elkus gave a large part of his time to the inquiry and helped frame a report to the Legislature, making suggestions that were subsequently enacted into law. This work covered more than thirty bills to reform working conditions. The acts creating the New York State Factory Commission and providing for its scope of operation, were drawn by him and he conducted the inquiry that preceded the drafting of that legislation, devoting a vast amount of time and energy to this work. Among the bills that the Factory Investigating Commission was responsible for are those including the statutes wiping out child labor, particularly in canneries and tenement houses, protecting women in industries and prohibiting their employment in factories during the hours of the night, instituting better sanitary conditions in industrial establishments and affording a greater measure of safety in case of fire. When the constitutionality of several of the statutes enacted by the State for the reformation of industrial conditions and for the protection of industrial workers, was attacked by litigation, Mr Elkus appeared in support of the validity of those laws, notably the act prohibiting the night work of women in factories, and although the Court of Appeals in 1907 had held a law seeking to effect the same result to be unconstitutional, it upheld unanimously the statute which had been drawn by Mr Elkus as counsel to the Factory Investigating Commission. So valuable was the result of the work of that commission that it was continued and Mr Elkus remained as its counsel for four years.

The range of Mr Elkus's practice on behalf of official bodies and in a private capacity, has made his name a familiar one to readers everywhere. He has frequently been called in by other attorneys as counsel in trial cases and in the argument of appeals before the highest courts. The United States Circuit Court appointed him to a committee which prepared the proposed revision of the federal equity rules.

The Merchants' Association of New York City engaged Mr Elkus to promote legislation fair to the commercial interests of the State and he has handled a good deal of litigation affecting the association. He also has acted as counsel to the Merchants' Protective Association of New York City. His practice before the United States Supreme Court has included many important cases.

Although Mr Elkus is a Democrat he was appointed by a Republican national administration as a special United States attorney to prosecute fraudulent bankrupts, in which he met with distinguished success. Among other things he established a precedent that perjury in bankruptcy proceedings is punishable as contempt. He was also active in promoting legislation regarding the sales and warehousing of merchandise. The value of his services in reforming conditions regarding cases in bankruptcy was widely appreciated. His book on "Secret Liens and Reputed Ownership," has been a most valuable contribution to legal authority.

The State Legislature elected him a member of the Board of Regents of The University of the State of New York in 1911, and he served for eight years as a member of that Board.

Mr Elkus likewise has taken an active part in other educational and philanthropic work. He is the president of the Free Synagogue and a trustee of the Baron de Hirsch fund which maintains a trade school for the training of young men in useful occupations. Mr Elkus is vice president of the Hebrew Technical School for Girls which graduates two hundred and fifty young women every year in stenography, typewriting, book-keeping, millinery, dressmaking and similar lines. He is president of the Jewish Chautauqua Society and a director or member of practically every Jewish philanthropic organization in New York City. Among the legal bodies that number Mr Elkus in their membership are the American, City and State Bar Associations and the New York County Lawyers' Association, of which latter he is a director.

During the World War he was called upon by President Wilson to enter the diplomatic service, being appointed United States Ambassador to Turkey. He served at Constantinople until relations between Turkey and the United States were severed after the declaration of war with Germany, and rendered services of the most valuable and important nature in that post of responsibility. He not only looked after the American interests in Turkey, but likewise those of other powers during the progress of the war.

On his return to America he received the honorary degree of doctor of laws from Syracuse University and from Middlebury College. In 1912 he received the honorary degree of doctor of civil laws from St Lawrence University.

Since his return from Turkey, Mr Elkus has been active in all Liberty Loan campaigns and has traveled throughout the country at the request of the Government making addresses as far west as California. He has spoken before numerous associations and bodies on his experiences in the Near East.

Governor Smith has acted with wisdom in appointing Mr Elkus to the bench of the Court of Appeals. He has chosen a man qualified in every way for the discharge of its important duties.

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